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AUG 1 0 2004

In re Application of
Douglas Barry et al.
Application No. 10/626,466
Filed: July 24, 2003
Title of Invention:
SPECIMEN CARRIER TRANSFER
APPARATUS FOR A CONVEYOR TRACK

OFFICE OF PETITIONS

**DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(a)**

This is in response to the renewed petition filed under 37 CFR 1.47(a) on July 26, 2004.

The petition is **GRANTED** to the extent indicated below.

The above-identified application was filed on July 24, 2003 naming Douglas Barry, Thomas L. Bybee, Adrian Chan, John Fuller, Ray Puseman, Greg Rothman, Don R. Simms, Michael Turner, Jay Woods, Inna M. Zevakina, Dave Murphy, Sheri Kime and Steve Wright as joint inventors, but without a signed declaration.¹ A "Notice To File Missing Parts of Application" was mailed December 5, 2003, requiring *inter alia* a properly executed oath or declaration. In response, on October 21, 2003, a petition was filed with a declaration signed only by joint inventors Barry, Chan, Fuller, Puseman, Rothman, Simms, Turner, Woods and Zevakina. The petition was dismissed in a decision mailed June 22, 2004.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

In response to the decision dismissing the petition filed May 7, 2004, proof that a complete application packet was sent to and received by Mr. Bybee has been submitted. Further, the statement made by the Attorney of Record indicates that no response to the correspondence mailed to Mr. Bybee on March 16, 2004 has been received thus, by his actions, it appears that Mr. Bybee refuses to cooperate with the filing of the above identified application.

Thus, as provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This petition is only granted as it relates to joint inventor Bybee. No status under 37

¹ Petitioners claim that the application incorrectly identified Dave Murphy, Sheri Kime and Steve Wright as joint inventors. If petitioners seek to have the inventorship corrected, a petition under 37 CFR 1.48 will need to be filed with the Technology Center.

CFR 1.47 will be accorded for joint inventors Murphy, Kime and Wright. This application is being forwarded to Technology Center 3651 for examination in due process.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (703) 305-4497.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is written in a cursive, flowing style with a large initial "P".

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



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AUG 10 2004

OFFICE OF PETITIONS

In re Application of
Douglas Barry et al.
Application No. 10/626,466
Filed: July 24, 2003

For: SPECIMEN CARRIER TRANSFER APPARATUS FOR A CONVEYOR TRUCK

Dear Mr. Bybee:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned Petitions Attorney at (703) 305-4497. Effective September 24, 2004 the contact number for the Office of Petitions will change to (571) 272-3282. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

cc:
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